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BEFORE THE STATE PUBLIC CHARTER SCHOOL AUTHORITY

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In re:

NEVADA CONNECTIONS ACADEMY.

ADMINISTRATIVE HEARING
TELEPHONIC DEPOSITION OF
MATT WICKS
JULY 6, 2017
Carson City, Nevada

REPORTED BY: DEBORA L. CECERE NV CCR, #324, RPR

JOB NO.: 403762B

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A P P E A R A N C E S

FOR THE STATE OF NEVADA

SENIOR DEPUTY ATTORNEY GENERAL
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FOR NEVADA CONNECTIONS ACADEMY

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-AND-
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(Telephonic Appearance)

ALSO PRESENT:
PATRICK GAVIN

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E X H I B I T S

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Original Exhibit to Original Transcript.

1 BE IT REMEMBERED that on Thursday, the 6th day
2 of July, 2017, at the hour of 12:04 p.m. of said day at the
3 Offices of the Attorney General, 100 North Carson Street,
4 Carson City, Nevada, before me, DEBORA L. CECERE, a
5 certified court reporter, telephonically appeared MATT
6 WICKS, who was by me first duly sworn, and was examined as
7 a witness in said cause.

8 -oOo-

9
10

11 MR. OTT: So before we have the witness sworn
12 in, previously there was a -- in the cross-examination of
13 Gina Hames, there was a stipulation between counsel that
14 Ms. Hames was who she said she was, and that there was no
15 objection to the telephonic cross-examination.

16 Same stipulation applies herein, correct,
17 Counsel?

18 MS. GRANIER: Yes, this is Laura Granier, that's
19 correct.

20 MR. OTT: And also previously there was a
21 statement that there was objections, there is a standing
22 objection regarding scope with regard to Ms. Hames, that
23 was stated in Ms. Hames' deposition, and that will apply to
24 this deposition as well, correct, Counsel?

25 MS. GRANIER: That sounds correct.

1 MR. OTT: Will you please swear in the witness?
2 (Whereupon the witness was sworn.)

3

4

MATT WICKS,

5

called as a witness in said case,

6

having been first duly sworn, was

7

examined and testified as follows:

8

9

CROSS-EXAMINATION

10

11 BY MR. OTT:

12 Q Mr. Wicks, could you spell your last name for
13 the record?

14 A Wicks, W-I-C-K-S.

15 Q Are you familiar with the Grad Point Credit
16 Recovery Program?

17 A I have basic familiarity with it. I'm not
18 familiar with all the details of the program.

19 Q Do you know when Pearson Education created it?

20 A No, I don't.

21 Q Okay. Do you have a copy of your declaration in
22 front of you?

23 A Yes. Both the original and the supplemental
24 declaration.

25 Q Okay. I'm going to refer to the original, which

1 I've asked the court reporter to mark as Exhibit 1. It is
2 the one Bates labeled R 1171 through R 1178, just so that
3 you know that that's the one that I'm going to be referring
4 to. Okay?

5 A Okay. Okay. That's the one, just for my
6 clarification, that was filed on June 12th?

7 Q Your signature has the twelfth day of June,
8 2017, in Aurora, Illinois.

9 A Correct. Okay.
10 (Exhibit Number 1 was marked for
11 identification.)

12 BY MR. OTT:

13 Q On page 2, line 21, your declaration talks about
14 a short-term negative achievement impact when students
15 change schools.

16 Can you explain in a little bit more detail what
17 you're referring to there?

18 A Yes. There have been various research studies
19 that have shown that the process of a student changing
20 schools, other than for what's called natural progression,
21 in other words, the student was in middle school, of
22 course, they're going to be in a new school for high
23 school, but when it is a change other than for normal
24 reasons, data has shown that for that first year you tend
25 to see a dip in academics.

1 **Q Thank you. Does that dip continue into the**
2 **second or third years?**

3 A As far as the research results, I'm not aware of
4 that. So, in fact, in many cases they will show, depending
5 on the nature of the academic placement, that it will begin
6 rebounding and, in fact, various research has been -- will
7 look at changes in the program, will then see what that
8 progression is for second, third, whatever number of years
9 the student may be in that academic placement, is a way of
10 determining the success of placements, because then you're
11 controlling for the known effect of different academic
12 performance for the first year.

13 **Q Do students who change schools multiple times**
14 **experience multiple negative achievement impacts?**

15 A I don't know of any research study that has
16 specifically looked at that. But it would be reasonable to
17 assume that would be the case.

18 I should clarify that, you know, when the
19 studies talk about in general, so when you look at specific
20 students, of course not every student is going to
21 experience an achievement the same as with generally
22 looking, you know, at a grouping of students.

23 But with that said, each unexpected change in
24 school would lead to an expectation that students would
25 receive at least a temporary academic achievement dip.

1 **Q Does the research give any indication on why**
2 **that negative impact occurs?**

3 A Not that I'm familiar with. And like I said, I
4 don't know of any studies that have looked at students that
5 have made multiple switches. So it's probably just more
6 difficult to get comparative data. You might imagine that
7 the student that went from school A to school B, and then
8 went back to school A, you could guess that there would be
9 a less likelihood of a school dip going back to school A,
10 because they're already familiar with that environment.

11 I think that some of what has been guessed at --
12 right, I don't think they have the hard data, but I think
13 part of the explanation is that simply that change itself
14 is disruptive.

15 So a change back to a previous school would
16 probably be less disruptive than a change to yet a third
17 school. So if you went from school A to B to C, that would
18 be more disruptive than going from A to B to A.

19 **Q Moving on to page 3, line 4, your declaration**
20 **states that:**

21 **The students who bring down the**
22 **school's graduation rate are not part**
23 **of the group of students who took the**
24 **statement assessments, for the most**
25 **part.**

1 Then you give several examples regarding end of
2 course exams typically being taken in grade 9 or 10, and it
3 states that:

4 The students having the greatest
5 negative effect on NCA's Grad Rate
6 are the students who took those
7 assessments when they were enrolled
8 at other schools.

9 That is line 12 of the same page.

10 Is it fair to think about NCA as essentially
11 serving two different populations, one that enrolls in
12 ninth grade, and whose progress is reflected on state
13 assessments, and another that enrolls after tenth grade and
14 whose progress is not reflected on NCA's state assessment
15 results?

16 A That's likely an overgeneralization because you
17 could still be reflected in the state assessment if you
18 enrolled in less than twelfth grade, because those state
19 assessments are the end of course exams.

20 The courses that they are reflected on are more
21 frequently taken as a freshman and a sophomore, so
22 therefore if you didn't enroll until eleventh grade, it
23 would be less likely that you would take that assessment at
24 the, at NCA, for example, or wherever you are enrolled in
25 the eleventh grade, but it wouldn't be impossible to have

1 taken it at the new school.

2 Q So would it be fair to say that the second group
3 of students that I described in that previous question is
4 less represented in the EOC exams and the grade 10 science
5 exam results?

6 A Yes. That would be true. They would be less
7 represented.

8 Q Okay. So the first group of students that I
9 talked about were those students that are enrolled at or
10 near the beginning of high school.

11 And those would be highly represented in the EOC
12 and the grade 10 science exams, correct?

13 A Could you repeat that again? I just want to
14 make sure that I understood what you said.

15 Q Sure. The first group of students that I
16 described that enrolled at or near the beginning of high
17 school, would be -- their, their progress would be measured
18 by the state assessments that they take at NCA, being the
19 EOCs and the grade 10 science, is that correct?

20 A Yes. With the understanding -- and I don't have
21 the exact rules in front of me of when students get
22 excluded, but there is this concept of having, you know,
23 full academic year, having been enrolled for a long enough
24 period of time for those test results to be counted. You
25 know, the idea being a student that came in towards the end

1 of that course, it wouldn't be fair to count them at that
2 school.

3 So you are going to have some students that did
4 enroll in ninth or tenth grade, but would have enrolled
5 late enough in the year that they would have been excluded
6 from those assessments.

7 Q Okay. And the second group of students, which I
8 believe is what you're referring to on page 3, line 4, when
9 you talk about students who bring down the school's
10 graduation rates not being part of the students who took
11 the state assessments for the most part, they would be
12 underrepresented in those state assessments, is that
13 correct?

14 A They would be underrepresented as far as the
15 state assessments taken while at NCA, the students,
16 assuming that they were at a Nevada school in their
17 freshman and sophomore year, certainly would have taken
18 those assessments someplace, or likely would have.

19 Q Correct, but those assessments would not be
20 grouped together in any way, correct?

21 A Yes, they would not be in NCA's reported data,
22 that's correct.

23 Q So, and when we look at the fourth and fifth
24 year graduation rates, those would be measuring the
25 graduation rates of all students, correct?

1 MS. GRANIER: Objection, vague.

2 BY MR. OTT:

3 Q Did you understand the question, Mr. Wicks?

4 A No, could you rephrase it or ask it again?

5 Q Sure. Do you -- well, let me step back.

6 Going back to this statement that you make on
7 page 3, line 4, about the students who bring down the
8 school's graduation rate, not part of the group of students
9 who took the state assessments for the most part, can you
10 give some clarity, some additional detail about that
11 statement?

12 A Yes. So the graded, you know, it's almost
13 impossible to ever make an absolute statement, because of
14 course there's always going to be some examples in
15 different categories, but the greatest negative impact on
16 the graduation rate are students that didn't enroll at NCA
17 until their eleventh or twelfth grade year and came in
18 credit deficient.

19 And so most of those students would have already
20 taken the courses connected to the end of course exams
21 prior to enrolling at NCA, so, therefore, for the most
22 part, those students are not part of that results of, end
23 of course results. I don't know if that was clear or not.

24 Q I think I understand. And if you want to
25 rephrase, you can. But I think I understand what you're

1 talking about.

2 Do you want to take a second to rephrase that,
3 or are you good?

4 A Yeah, let me just -- so you have -- the student
5 that comes in is eleventh or twelfth grade, and, you know,
6 those are referenced in lines 8 through 11 on page 3. You
7 know, 84 percent of credit deficient students arrive after
8 eleventh or twelfth grade.

9 It's that group of students that has the biggest
10 negative impact on the graduation rate. And that same
11 grouping of students, you know, that's coming of 163, are
12 the least likely to have taken the EOC exam for the year
13 that we're talking about, which is the, you know, '15/'16
14 school year.

15 There's probably some, I don't have that number,
16 but there probably was not 0 number, but most of those
17 would not have been included in those test results. And
18 not included because they didn't take the test.

19 Q And it's --

20 A (Indiscernible.)

21 (Court reporter clarification.)

22 A When I said they wouldn't be included, what I
23 mean is they weren't included because they didn't take the
24 test because they weren't enrolled in the associated
25 course. They wouldn't have done that previous to arriving

1 at NCA.

2 Q And just to give some context, this part of your
3 declaration that we are referring to is your response to
4 Member Snow's request for the reasons behind NCA's,
5 quotation, "impressive test results as contrasted by its
6 grad rate," correct?

7 A Right. And, and in essence, kind of boiling
8 down everything that I said in those various points, to
9 explain that the, the bulk of the students that are
10 represented in the test results is a different group of
11 students than are represented in the graduation rate
12 calculation.

13 So the fact that you see one as a very positive
14 measure, and one as a very negative measure, there's not
15 really any inherent contradiction in that, because you're
16 talking about two different groups of students.

17 It does talk about the type of academic job that
18 NCA is doing overall. The fact that they get good test
19 scores is a reflection of positive academic performance at
20 NCA, but it's a different type of measurement, measuring a
21 different grouping of students than what graduation rate
22 measures.

23 Q And the group of students who are measured with
24 regard to the assessments is a subset of the students that
25 are measured with regard to the graduation rate, correct?

1 A That's correct. And, again, part of that is
2 reflected in the last bullet of number 7, starting on line
3 22, which talks about a state assessment is a one-year
4 picture. A graduation rate is a four-year picture. So
5 that in itself brings out a different grouping of students
6 that will create that subset that you just referenced.

7 **Q What measures does Connections Education use to**
8 **evaluate the performance of the students who are not**
9 **evaluated by the state assessments?**

10 A I don't think we have any measures that we use
11 specifically. We're not like state assessments, in other
12 words, we don't isolate that group and say okay, we're also
13 going to do this, but there are other assessments that are
14 done at NCA that could apply to, both to students that were
15 part of the state assessments and won't, most notably
16 formative assessments. A formative assessment is something
17 where you look to see improvement, and so we will have a
18 pre-test, a mid-test and a post-test for three different
19 parts of the school year.

20 Obviously different groups of students will end
21 up taking those assessments because not every student is
22 enrolled in the beginning of the year, but if they are
23 enrolled at that point of the year, that would be an
24 assessment that would be provided to them specifically in
25 that grading.

1 **Q Are there any other measures that you're aware**
2 **of?**

3 A Well, you know, there's course completion. I
4 mean, there's looking at a variety of measures of academic
5 performance, you know, of a student.

6 You know, we looked at just students that are
7 repeating courses or using credit recovery. There's a
8 variety of measurements, but I thought you were asking
9 specifically at assessments.

10 **Q Well, I'm just looking at different -- I'm**
11 **looking to understand the different ways that Connections**
12 **evaluates that second group of students which you stated is**
13 **underrepresented in the statewide assessments.**

14 **So if there are additional measures, please**
15 **provide.**

16 A Yeah. I'd like to clarify something, because I
17 think the last thing that mischaracterized that maybe I
18 didn't specify as clearly.

19 When I said underrepresented, I was talking
20 about underrepresented in the specific assessments, the
21 reported '15/'16, not necessarily that they're
22 underrepresented in state assessments overall.

23 Although the reality is that students come in as
24 eleventh and twelfth graders because Nevada doesn't do
25 state-wide assessments in eleventh and twelfth grade,

1 probably are not receiving statewide assessments.

2 So we would be looking at that student to see,
3 like I already talked about, the formative assessments that
4 are given to all students, we would be looking to see if
5 the students are passing their courses. Students that take
6 a course or take a test like an ACT, we would be looking at
7 that data, students that take an Advanced Placement course,
8 we would be looking at that data.

9 I mean, there's a wide variety of things a
10 school looks at as far as are students performing.

11 We're getting really a little bit beyond my
12 expertise because I, you know, I'm not with the operations
13 of NCA, and so I don't know everything that they look at as
14 far as if the students are making performance or not.

15 **Q Are you aware of any of any, any statewide**
16 **measures that can be used to evaluate that group of**
17 **students?**

18 **A** None come to mind.

19 **Q I'm going to move to page 4, line 4, of your**
20 **declaration where you state that:**

21 **When looking at credit deficient**
22 **students, the definition of what it**
23 **means to serve students needs to be**
24 **reframed.**

25 **In your opinion what is an appropriate measure**

1 **of serving those credit deficient students well?**

2 A You could look at are they accumulating credits,
3 are they beginning to turn things around.

4 You can look to see did they persist onto a
5 fifth year.

6 You can look to see if those that do decide to
7 persist to a fifth year, what percentage of those graduate.

8 You can look at parent satisfaction data and
9 student satisfaction data on how they feel about their
10 academic and overall school experience compared just in
11 general, as well as compared to previous school
12 experiences.

13 And then this becomes very student-specific and
14 student-centric, you can look at the, what was the reason
15 why the student chose to enroll at NCA. So, for example,
16 if a student, you know, was entering because they'd been
17 bullied previously, you can look to, to see has the school
18 helped them to address that, that problem.

19 There's really a wide array of things that you
20 can look at. Many of those are not easily summed up and
21 reported, but those are the types of things that I think
22 that you want to look at.

23 I think the biggest point that I was making in
24 that bullet point starting on line 4, is a student that
25 comes in significantly credit deficient has already in some

1 cases, in many cases, gotten to the point where graduating
2 in four years is an impossibility.

3 So if you limit to just looking to see if they
4 graduate in four years, you're using a measurement that
5 doesn't provide really any insight on to the type of job
6 that is being done in the school.

7 If they've reached that impossibility factor,
8 and they're not going to graduate, regardless of where they
9 are, then you need to look at some more fine grained
10 measurement that can differentiate between a school that is
11 not serving them well and a school that is serving them
12 well.

13 **Q The list of things that you would look at to**
14 **determine whether a student is being served well, do you**
15 **know if any of those measures have statewide data available**
16 **for it, for them?**

17 A I'm not -- I don't know if they do or not.
18 Certainly some of them, I would imagine they wouldn't,
19 because they would probably be, be very school specific.

20 The things I mentioned, the State may not report
21 directly in that way, but would probably have some level of
22 information. Certainly Nevada does the five-year adjusted
23 cohort graduation rate. That isn't exactly what I
24 specified, but for the data that's available there, you
25 could look at some of those things that I talked about.

1 But I don't think Nevada is reporting it at a
2 statewide level in any of the things that I described.

3 Q You mentioned a five-year graduation rate.

4 Is that a more valid measure than the four-year
5 measure when looking at these students?

6 A Yeah, I need to be really precise on what I'm
7 talking about because they are -- what I was talking about
8 is looking at the percentage of students that attempted the
9 fifth year, what percentage of those students graduated,
10 and that's something that is very different than the
11 five-year adjusted cohort graduation rate.

12 I don't find the five-year adjusted cohort
13 graduation rate to be a very useful measurement because of
14 the way it's calculated, the, that rate is dominated
15 already by the four-year adjusted cohort graduation rate
16 because it's a relatively small percentage of students that
17 go on for a fifth year.

18 So in a sample situation, let's say that ten
19 percent of the entire cohort went on for the fifth year.
20 That means 90 percent of that calculation is already based
21 on what the four-year rate was, and only ten percent of it
22 can be changed.

23 That's why just looking at what happened for
24 that 10 percent of the students, how many of those
25 graduated would be a much more useful way of looking at

1 credit deficient students.

2 **Q Would the fifth year be more effective when**
3 **looking at a school with a lower four-year graduation rate**
4 **because the percentage of students that didn't graduate**
5 **would be higher and thus it would be less dominated by that**
6 **four-year rate?**

7 A Not necessarily so because the low graduation
8 rate is going to include students that went into a GED
9 program, students that just dropped out outright.

10 And so even a school like NCA that has a low
11 four-year adjusted cohort graduation rate, it's still a
12 very small percentage of that entire cohort that persists
13 on for a fifth year for those reasons that I just
14 described.

15 The student that goes on for a GED program,
16 except for in very unusual circumstances, is not going to
17 re-enroll for a fifth year. So you still have a big chunk
18 of students where their non-graduate status has already
19 been fixed, even for the fifth year.

20 **Q You talked a little bit about GED programs.**
21 **Is that a successful outcome in your opinion for**
22 **a student?**

23 A I think for some students that may be the best
24 outcome. You really have to evaluate specific students'
25 circumstances. A student that is highly credit deficient

1 is unlikely to put in the additional time and effort to get
2 a high school diploma, whether that takes five years or six
3 years, certainly getting them to get a GED, and, you know,
4 to qualify them for post-secondary education and perhaps
5 now enter the work force, is going to be a better outcome
6 than just being a high school dropout.

7 Q I'm going to step aside and, or give a really
8 big picture question, and let me know if you don't
9 understand it.

10 But you've talked a lot about different measures
11 that can be used to evaluate these students that enroll
12 credit deficient and relatively late in their high school
13 careers.

14 And I believe your testimony is that most of
15 these measures do not have statewide data available, and
16 that you have been critical of the statewide measures such
17 as graduation rate.

18 Is it possible to evaluate a school well using
19 statewide only methods?

20 A Are you talking about any school generically or
21 NCA specifically?

22 Q A school generically first.

23 A Yeah, I think it is possible. You have to -- to
24 determine if that's possible, you have to look at the
25 demographics of that school.

1 So a school that is relatively stable, you know,
2 not having a lot of students come in late, look at all the
3 measures that a state system, statewide measures used, for
4 a good match for what they were designed for is reflective
5 of the type of population, then I think you could get a
6 relatively good evaluation of that school.

7 Of course, even with that said, there's probably
8 other measures that would always give a more accurate
9 evaluation of a school, and that's, there's always some
10 other way that you could look at the data.

11 But, you know, whether just state measures will
12 give a good evaluation of a school, you know, is going to
13 depend on the nature of that school's population.

14 **Q Same question with regard to NCA specifically.**

15 A I would say no, it wouldn't, especially in the
16 graduation rate. And I, I think I have testified to this
17 in the past, but the graduation rate specific, the
18 measurement was designed to reflect four years of
19 performance and so that measurement only has high valid
20 meaning if the school population is relatively stable over
21 those four years.

22 **Q So how should the State choose to, or evaluate a**
23 **school with a population such as NCA without statewide**
24 **measures available to it?**

25 A Well, you know, one possibility is the State

1 could implement other statewide measures, but if that isn't
2 going to take place, and there's a variety of reasons why
3 that not take place, because one of the, some of these
4 alternative measures may not make sense for all schools. I
5 think that you then need to do exactly what myself and
6 others that have testified on behalf of NCA are suggesting,
7 is you need to dig down and look at the specific nature of
8 that school, and see what type of students are being served
9 and are there other measures that would help indicate how
10 the school is performing.

11 And not every measurement requires a comparison
12 to the same algorithm to make a determination if the school
13 is performing well. You can establish reasonable
14 benchmarks on a variety of ways.

15 It might be national comparative data, it might
16 just be kind of, you know, common sense type of
17 determination and kind of dig down to how is the school
18 doing. You know, what is credit accumulation for these
19 students? Where are they going? Does this, you know, seem
20 to be a good match? What is the parent satisfaction data?
21 What is the student satisfaction data?

22 You can look at all of them and ask the state
23 authority or whoever is doing the evaluation, take that
24 into account, and make a determination if you believe the
25 school is serving students well or not.

1 There may be differences of opinion, just as
2 there are differences of opinion today on how well the
3 state accountability system reflects the performance of
4 schools.

5 **Q So if I understand your testimony, you believe**
6 **that the statewide assessments and the statewide data is**
7 **appropriate for evaluating some schools, is that correct?**

8 A Yes.

9 **Q But there is a subset of schools for which that**
10 **data is not accurately reflecting the performance of the**
11 **school, is that correct?**

12 A Yes, I would say that is the case.

13 **Q And do you think it would be appropriate for the**
14 **Legislature to enact some sort of rules regarding how a**
15 **school would get evaluated by the traditional means versus**
16 **a different set of means?**

17 MS. GRANIER: Objection calls for speculation.
18 Lacks foundation.

19 BY MR. OTT:

20 **Q You can answer.**

21 A Okay. It doesn't necessarily have to be the
22 Legislature to set that basis. There are plenty of states
23 where a state board of education through rule-making
24 process establishes this. And this issue at hand, where
25 the state legislature has established, you know, the 60

1 percent benchmark for graduation rate, does the Legislature
2 intentionally use the word "may" as opposed to "shall,"
3 which indicates that that should be a flagging point that
4 yes, a school should be looked at if there's a problem, but
5 then the entity responsible for the performance of the
6 school, in this case the state charter authority, should
7 then begin looking at the data in more detail, so they can
8 then make a determination is this a school where the 60
9 percent graduation rate is what I'll term a false positive
10 in the sense that yes, you know, it's a low graduation
11 rate, but when we look deeper into that, it's because that
12 measurement isn't doing an accurate job, or is the low
13 graduation rate actually, when we look at other data,
14 consistent to say the school isn't doing well.

15 I don't think that it makes sense to put
16 everything into black and white, either at the legislation
17 level or the rules level because assessing school
18 performance is an extremely complicated subject and topic,
19 of which some of which is still more art than science. And
20 so I think it is appropriate for states to create a system
21 that would allow for human judgment and examination of the
22 detailed data to make the determination if the school is
23 performing well or not.

24 Having benchmarks provides useful information.
25 I don't want to be on the record saying that that isn't the

1 case. But it doesn't tell the entire picture. And when
2 you're making a high stakes decision on closing a school, I
3 don't think you want everything to be black and white.

4 You want there to be people digging in to the
5 data, using good faith effort to make a determination if
6 the school is serving the students appropriately or not.
7 And is the student perhaps providing a unique opportunity
8 that other educational options and the State are not
9 providing.

10 **Q You're talking about those other data points**
11 **that should be considered for a school that operates as a K**
12 **through 12 school.**

13 **Would it also be appropriate to look at the**
14 **performance of the, of the elementary and middle school.**

15 **A Could you please repeat that question?**

16 **Q Sure. When considering a K through 12 school,**
17 **would it also be appropriate to look at the performance of**
18 **the middle school and the elementary school?**

19 **A I believe so. If you're looking at the overall,**
20 **again, you kind of asked this, you know, generically, but**
21 **if you want to say how is that school performing overall,**
22 **yes, looking at all grade levels, I think is relevant.**

23 **I think it's -- aggregating the information is**
24 **useful because a school could be serving, be performing at**
25 **some grade levels than others, and that's information that**

1 is useful for schools for their continuous improvement
2 plans.

3 I think when making a decision about school
4 closure, it certainly is appropriate to be looking across
5 the performance of all grade levels, because a decision is
6 going to affect all grade levels.

7 **Q You spoke a little bit about using different
8 metrics to evaluate schools.**

9 **Do you think it's important that the school and
10 the State know what metrics are going to be used before the
11 school year commences?**

12 **A** I think that would be an ideal situation. It
13 may not always be possible, but that would be the preferred
14 situation. And to clarify it, what I mean by it may not
15 always be possible, if what we're asking the authority to
16 do, like we're talking about now, with school closures,
17 we're asking them to dig in to the data more deeply, the
18 process of doing that, sometimes questions arise that you
19 wouldn't have known until you dug into the data more
20 deeply. So in that case you, you wouldn't have been able
21 to establish that beforehand.

22 **Q But you believe the ideal scenario would be for
23 the parties to agree -- the parties being the school and
24 the evaluator, to agree on what metrics would be used prior
25 to a school year?**

1 A I think you want to have agreement on what
2 metrics are going to be examined. As I testified earlier,
3 when making high stakes decisions, I think you need to
4 allow for some human judgment on those items, and so I
5 don't know how you could come to an agreement before the
6 school year started on what that means.

7 Q Moving on to another portion of your
8 declaration, on page 4, line 11, you state that NCA
9 received students in their fifth year of high school, and
10 that this in itself is an indication that NCA is serving
11 those students.

12 Is it your opinion that simply enrolling fifth
13 year students, if nothing else is done for them, is
14 effectively serving them?

15 A Well, yes, because -- and to clarify why I feel
16 that way, for a student to come for the first time to NCA,
17 or to any school for that matter in the fifth year, is an
18 indication that whatever academic options, experiences they
19 were having before they came to the conclusion, either
20 hadn't been serving them well or wasn't going to serve them
21 well for a fifth year.

22 So they then sought out what solutions would be
23 best for them. And, you know, having enrolled, I think,
24 you know, makes a pretty strong statement. It's just not a
25 typical thing that happens very often. So when a student

1 makes that decision, it is making a pretty strong statement
2 on the value that they place on the school and be able to
3 meet their needs.

4 Q Moving on to page 5, line 8 of your declaration,
5 you state that:

6 Data shows that NCA is effectively
7 able to serve credit deficient
8 students.

9 And then you reference:

10 Students who persist in their
11 education into a fifth or sixth year
12 earn a GED or transfer to adult
13 education.

14 Are those all successful outcomes in your
15 opinion?

16 A I'm sorry. I'm just reviewing what I wrote
17 there.

18 So, yes, I would view all of those as positive
19 outcomes. Some, to me, the preference would be to have a
20 student earn a high school diploma, but, again, as I
21 testified earlier, that may not be possible and may not be
22 something that the student desires.

23 They may not be willing to put in the effort.
24 So then you look at what are other options for that student
25 that are better than simply being a high school dropout.

1 **Q Do you make any differentiation from state to**
2 **state in your determination of what a successful outcome**
3 **is?**

4 A Well, I think it might, there may be some
5 differences on what programs exist in a given state. So
6 that, you know, there might be something that exists in one
7 state that doesn't exist in another state. That would be
8 different. Off the top of my head, I can't think of an
9 example of what that might be.

10 For example, I know that adult education
11 programs are not always the same from state to state. And
12 so some states that might be equal to a high school diploma
13 option, and another state it might not be.

14 **Q So when I ask you the question about whether**
15 **those were successful outcomes, your answer was based on**
16 **your understanding of success for the student not**
17 **necessarily based on state law, correct?**

18 A Correct. I think ultimately when you talk about
19 a successful outcome for a student, we no longer, for an
20 individual student, you're no longer talking about overall
21 factors that you're looking and having that conversation
22 very personally with that student, evaluating the unique
23 aspects of that student's life and other factors in
24 determining what is the best option for that student. And
25 in some cases the best option is going to be a GED.

1 It wouldn't ever be the first option that I
2 would look at. But for some students that may be the best
3 option. And therefore I would view it as a successful
4 option.

5 **Q Moving on in your declaration, on page 5, line**
6 **5, you state that:**

7 **Instituting an enrollment cap will**
8 **not necessarily change the school's**
9 **four-year adjusted cohort graduation**
10 **rate as the cap doesn't have the**
11 **ability to impact the proportion of**
12 **credit deficient students that will**
13 **enroll.**

14 **So do I understand this statement would**
15 **correctly apply to new applicants but not necessarily to**
16 **students who are already enrolled at the school?**

17 A What I was trying to get at with that statement
18 is based on earlier testimony and data analysis, that the
19 primary negative impact on the four-year adjusted cohort
20 rate is students enrolling highly credit deficient.

21 And what I am saying is -- and so if you look at
22 the graduation rate, that's all based on the percentages.
23 So not absolute numbers, but on percentages of students
24 that graduate credit deficient.

25 So having a cap, that specific mechanism isn't

1 going to have any impact on the percentage of students that
2 will enroll credit deficient. So it won't -- you wouldn't
3 expect it to have any impact on the four-year adjusted
4 cohort graduation rate.

5 What a cap does is it impacts how many students
6 you can serve, not the demographic makeup of the students
7 that you serve.

8 Q But if you're -- so -- but if your cap --
9 so -- strike that.

10 So if the school had a hundred eighth graders,
11 and had an enrollment cap of a hundred for the ninth grade,
12 the school would only be able to enroll new students to
13 fill any vacancies left by the eighth grade class, correct?

14 A If all hundred eighth graders went on, yes.

15 Q But if some eighth graders transferred out, the,
16 the school would only be able to fill as many as
17 transferred away, correct?

18 A Correct. But that -- the cap, as I heard it
19 explained, wasn't talking about a grade level-by-grade
20 level cap. It was talking about an overall enrollment cap.

21 Q Okay. Thank you for clarifying that.

22 So if we were talking about a grade
23 level-by-grade level cap, does your statement on page 5,
24 line 5, no longer apply?

25 Is it no longer correct?

1 A I would really need to look at the details of
2 what that was. So, for example, if it's similar to what
3 you described, grade level by grade level, and so you would
4 assume that it's going on, well, you know, that means, you
5 know, whatever number of tenth graders don't go on, you
6 would be able to enroll that many eleventh graders, for
7 example.

8 And so whatever number of eleventh graders they
9 are, the percentage of them are still -- you know, you have
10 no way to know what is the percentage of those that are
11 going to be highly credit deficient or not. So yeah, I
12 would really, I'd have to see the specifics of a cap
13 situation to know what impact it, it might have.

14 **Q Okay. But just so that we understand, your**
15 **statement on page 5, line 5 was not an analysis of a grade**
16 **level cap; it was a school-wide cap, correct?**

17 A Well, it was described to me, and, and I believe
18 I was present when this proposal was made, because it was
19 during my testimony, and he was talking about a cap overall
20 for high school.

21 So it wasn't an overall school, but it would be
22 a high school level, so that would be grades 9 through 12
23 combined.

24 **Q And that was your understanding when you made**
25 **that statement on page 5, line 5?**

1 A That's correct.

2 Q And if it was a grade level cap, as we just
3 discussed, this, this statement may or may not be accurate,
4 you haven't done the analysis, is that correct?

5 A Yeah, you would have -- I have not done the
6 analysis, nor have you provided a specific enough proposal
7 for me to be able to do the analysis.

8 So if, you know, if a concrete suggestion of
9 what the cap would look like was presented, I could
10 certainly offer my opinion, given, you know, some
11 reasonable time to look at that and what impact it might
12 have.

13 Q Okay. Could you say that --

14 A And, and let me clarify, just to say grade
15 level-by-grade level cap doesn't provide enough
16 information, because you would have to know how many
17 students are in that grade currently, what the cap would be
18 for that grade. There would be lots of information that
19 would be needed in order to perform an analysis.

20 Q Would it make any difference if I were to ask
21 you to assume that the grade -- that the caps were
22 relatively consistent from ninth, tenth, eleventh and
23 twelfth grades, or identical?

24 A And by that you mean, in other words, are you
25 saying -- as an example, these wouldn't be the right

1 numbers, but consistently you're saying, for example, it
2 could be a hundred ninth graders, a hundred tenth graders,
3 a hundred eleventh graders and a hundred twelfth graders?

4 Q Yes.

5 A Is that what you're referring to?

6 Q Yes?

7 A I'm not saying that a hundred would be the
8 number, necessarily, but something like that. I would
9 still need some time to look at that because I don't recall
10 exactly what the population is by grade level.

11 I don't believe that the current population is
12 conclusive. In other words, I don't think we have the same
13 number of ninth, tenth, eleventh and twelfth graders. So
14 it would take some time to, you know, figure out where that
15 would go to see what the impact would be.

16 Q Moving on to page 5, line 8, you state:

17 The only way to significantly change
18 NCA's graduation rate is to change
19 the type of students who are
20 enrolling.

21 Is it fair to say that without a change to the
22 type of students enrolled, NCA's graduation rate will not
23 change significantly?

24 A Yes, I think that's fair. I think there are
25 improvements that can be made, but you're not going to see

1 radically a different graduation rate, because as I've
2 testified earlier, there's a significant population of
3 students that come in to the point where it's already
4 impossible for them to graduate on time.

5 **Q When you say radically different, are you**
6 **talking about say an increase of say 50 percent?**

7 A I'm sorry. I didn't hear the percentage you
8 said.

9 **Q I said 50.**

10 A Are you saying 50 percentage points, or going
11 from 35 percent and up to 45 percent?

12 **Q No. Thank you for the clarification.**

13 **What I was saying was that 50 percent more**
14 **students would graduate. So it would be from 35 to 52 and**
15 **a half percent is what I was stating.**

16 A You may be able -- I think that's on the outer
17 edge of what may be possible after multiple years.

18 Some of it also would depend on are there going
19 to be any other rule impact changes. For example, I know
20 the State of Nevada has chosen not to implement a part of
21 ASSA's provisions for partial addendums.

22 If that was implemented, that in itself would
23 create a significant increase in the, the graduation rate
24 for NCA. So there could be other factors beyond just what
25 we discussed today that would have impact on the eventual

1 graduation rate.

2 Q Okay. Thank you.

3 MR. OTT: That's all I have.

4 If Laura or Erica has redirect?

5 If somebody is speaking, we can't hear you.

6 MS. GRANIER: Yes, this is Laura. I do have
7 redirect.

8 I was just asking if the court reporter needs a
9 break.

10 (Discussion with the court reporter.)

11

12 REDIRECT EXAMINATION

13

14 BY MS. GRANIER:

15 Q Mr. Wicks, without knowing the student
16 population in the subsequent years, can you determine what
17 the graduation rate will be or what increase in the
18 graduation rate will occur?

19 A Could you repeat that question?

20 Q Sure. Mr. Ott was asking you about how much the
21 school can increase its graduation rate, just a few minutes
22 ago.

23 Isn't it impossible for you to estimate what
24 kind of an increase the school can see if you don't know
25 what the population of students will be within the

1 **particular cohort?**

2 A Yes, there's numerous factors that are going to
3 determine what the graduation rate will be, how many
4 students enroll, what the demographics of those students
5 would be.

6 When I talked about saying would it be possible,
7 I think that was really a theoretical of what could happen
8 under the, kind of the best of circumstances after multiple
9 years of having an improvement plan.

10 But if all of a sudden the demographic is skewed
11 even more heavily to credit deficient students coming in,
12 then that type of improvement likely wouldn't happen.

13 So any prediction of what's going to happen on
14 the teacher really requires you to know things that aren't
15 knowable because it requires information about what's going
16 to happen in the future.

17 Q So as you sit here today not knowing those
18 variables with respect to the student population, you
19 cannot predict how much the graduation rate could increase,
20 is that fair?

21 A That's fair.

22 Q And, for example, isn't it true that one
23 variable in calculating the four-year cohort graduation
24 rate in Nevada takes into account or counts of dropouts and
25 non-graduates, students who withdrew from the school if NCA

1 does not identify where those students have subsequently
2 re-enrolled?

3 A Correct, the better the school, or any school,
4 is able to identify where the students went, that's going
5 to have an impact on the graduation rate. And to a certain
6 extent that, that depends on the cooperativeness of the
7 students that are leaving.

8 And so I know the school has put in significant
9 effort to try to get that information, but there are things
10 that are beyond their control to get all of that
11 information.

12 Q Are you aware of any research or data that
13 supports that a school's inability to determine where a
14 student re-enrolls reflects on how the school is performing
15 academically?

16 A I'm not aware of any such research.

17 Q And Mr. Ott was asking you about a statement you
18 made relative to enrollment caps on a part of your
19 declaration.

20 Do you remember that question?

21 A Yes.

22 Q And then he asked you about whether the
23 statement would remain true if you had a grade-by-grade cap
24 for grades 9 through 12.

25 Do you remember that?

1 A Yes.

2 Q Would such a cap give the school any control of
3 how many of those students that are involved under the cap
4 were credit deficient?

5 A No.

6 Q So if a cap were 100 ninth graders -- strike
7 that.

8 If the cap were 100 tenth graders, and 60 of
9 those tenth graders came to NCA behind by one semester or
10 more, would that cap help to full improve your -- would
11 that cap improve the full graduation rate or your cohort
12 graduation rate?

13 A The specific scenario, which I want to make sure
14 I understood correctly, there's a hundred-student cap, and
15 60 of them came in at least a semester credit deficient, in
16 that type of scenario, that's not likely to improve the
17 student's graduation rate. I'm sorry, to improve the
18 school year's four-year adjusted cohort graduation rate.

19 Q Okay.

20 A And I guess that's part of the point that I was
21 making about caps in general. They don't specifically
22 control a percentage of students that are enrolling credit
23 deficient.

24 So on cap itself, you can't -- just that in
25 existence doesn't indicate to you if you're likely to have

1 a higher or lower graduation rate. You'd have to then
2 follow up by saying well, if X percentage of the ones that
3 came in were credit deficient, but the cap isn't going to
4 be able to tell you that, so you'd have to wait to see
5 which students actually came in credit deficient, which is
6 why I don't think a cap is an effective way of addressing
7 this problem.

8 Q Were there -- I want to make sure you have the
9 opportunity to provide any clarifications or any responses
10 that you provided today to Mr. Ott.

11 Were there any questions that you answered that
12 you need to clarify?

13 A Not that I recall, no.

14 Q Okay.

15 MS. GRANIER: That's all I have. Thank you.

16 MR. OTT: Sounds good. Thank you, Mr. Wicks,
17 for your time.

18 We can go off the record and relieve Mr. Wicks.

19 THE WITNESS: So I can hang up?

20 MR. OTT: Yes, thank you.

21

22 (Whereupon the deposition was
23 concluded at 1:10 p.m.)

24

-oOo-

25

1 STATE OF NEVADA)
) ss.
 2 WASHOE COUNTY)

3 I, DEBORA L. CECERE, a Certified Court Reporter, State
 4 of Nevada, do hereby certify:

5 That on Thursday, the 6th day of July, 2017, at the
 6 hour of 12:04 p.m. of said day, at 100 North Carson Street,
 7 Reno, Nevada, telephonically appeared MATT WICKS, who was
 8 duly sworn by me to testify the truth, the whole truth, and
 9 nothing but the truth, and thereupon was deposed in the
 10 matter entitled herein;

11 That I am not a relative, employee or independent
 12 contractor of counsel to any of the parties; or a relative,
 13 employee or independent contractor of the parties involved
 14 in the proceeding, or a person financially interested in
 15 the proceeding;

16 That I am not related to any of the parties to this
 17 action by blood or marriage, and that I am in no way
 18 interested in the outcome of this matter;

19 That the foregoing transcript, consisting of pages 1
 20 through 44 is a full, true and correct transcription of my
 21 stenotype notes of said deposition.

22 DATED: At Reno, Nevada this 17th day of July,
 23 2017.



24 DEBORA L. CECERE, NV CCR #324, CA CSR #8821

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ERRATA SHEET

I declare under penalty of perjury that I have read the
foregoing _____ pages of my testimony, taken
on _____ (date) at
_____(city), _____(state),
and that the same is a true record of the testimony given
by me at the time and place herein
above set forth, with the following exceptions:

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ERRATA SHEET

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Date: _____

Signature of Witness

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Name Typed or Printed

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